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6 Attorneys for Plaintiff
Shoreline Capital Management, Ltd.

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION
11

12 SHORELINE CAPITAL MANAGEMENT,
LTD., a British Virgin Islands company
13 limited by shares.

No. JW CV 08 0121

14 Plaintiff,

DECLARATION OF DAVID COMMINS
REGARDING NOTICE TO DEFENDANT

15 vs.

16 XIAOBING SUN, an individual, also known
as DANIEL SUN,

17 Defendant.
18 _____/

19
20 I, David H.S. Commins, say:
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22 1. I am a shareholder and director of Commins & Webster, P.C., attorneys
23 for Plaintiff Shoreline Capital Management, Ltd. (Shoreline), the Plaintiff in this action. I have
24 personal knowledge of the matters set forth in this Declaration and would competently testify to
25 them if called as a witness.
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1 2. On January 8, 2008, a process server this firm hired to effect personal
2 service of the Summons, Complaint and other papers in this case hand-delivered to Defendant
3 Xiaobing "Daniel" Sun, together with those papers, a letter from me explaining Shoreline's
4 intention to file papers this week supporting an *Ex Parte* Application for Temporary Restraining
5 Order and Order to Show Cause re Preliminary Injunction, and for an Order Granting Leave to
6 Conduct Expedited Discovery. A true and correct copy of my letter is attached as Exhibit A.
7 That letter was also sent with copies of the Summons, Complaint and other papers by first class
8 mail to Mr. Sun's home in Newark, California on January 8, 2008.

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10 3. At the time of filing these papers supporting Shoreline's Application, we
11 are having copies delivered by messenger to Mr. Sun's home in Newark, California, and sent to
12 him by e-mail as well. We have two e-mail addresses for Mr. Sun that were effective as of
13 November and December 2007 and presumably still are today: xiaobing_sun@yahoo.com and
14 xsun1@chicagogsb.edu. We will send all of the papers to both addresses.

15
16 I declare under penalty of perjury under the laws of the United States that the
17 foregoing is true and correct.

18
19 DATED: January 11, 2008.

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21 David H.S. Commins
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COMMINS & WEBSTER

PROFESSIONAL CORPORATION
ATTORNEYS AT LAW

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January 8, 2008

By Hand Delivery and First Class Mail

Mr. Xiaobing Sun
5795 Bellflower Drive
Newark, CA 94560

Re: Shoreline Capital Management, Ltd. v. Xiaobing Sun

Dear Mr. Sun:

On behalf of Shoreline Capital Management, Ltd., this firm has filed a lawsuit against you in the United States District Court for the Northern District of California, San Jose Division, for breach of contract and misappropriation of trade secrets as well as other claims.

Together with this letter you are being hand served with a Summons, Complaint, Civil Case Cover Sheet, Order Setting Initial Case Management Conference and ADR Deadlines and accompanying Standing Order Regarding Case Management in Civil Cases, Notice of Availability of Magistrate Judge to Exercise Jurisdiction, ECF Registration Information Handout and a general handout concerning the Northern District's procedures, schedule and drop box filings. (Copies are also being sent to you by first class mail.)

Later this week, we intend to file an *Ex Parte* Application for a Temporary Restraining Order and Order to Show Cause Regarding Preliminary Injunction, and for An Order Granting Leave to Conduct Expedited Discovery. The main purpose of the Application will be to obtain temporary and preliminary injunctive relief prohibiting you from further unauthorized use of Shoreline's trade secret information, including but not limited to its Pricing Model and information related to its prospective deals, and to cause you to turn over to Shoreline all versions and copies of that information in whatever medium. Shoreline will ask the Court to order you to cease using its confidential information in your business, Asia LTI, and to cease using it as a basis for

Mr. Xiaobing Sun
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soliciting its investment customers, the banks and investment managers from whom it acquires its loan portfolios and its employees.

As soon as these papers have been completed, we will attempt to contact you in advance about the time of filing and, unless you notify us before that time of the name and address of your counsel, we will send copies to your home address above.

Very truly yours,

A handwritten signature in black ink, appearing to read "David Commins", with a long horizontal flourish extending to the right.

David H.S. Commins

DHSC:scc
Enclosures